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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,828	09/16/2003	John David Schnabel	5681-29901	2686

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EXAMINER

BUI, HUNG S

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,828

Applicant(s)

SCHNABEL ET AL.

Examiner

Hung S. Bui

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15 and 17-24 is/are rejected.
- 7) ☒ Claim(s) 6, 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/16/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

- page 12, line 6, daughter board "26" should correct to --- 20---
- page 15, line 10, motherboard "18" should correct to --- 16 ---.

Appropriate correction is required.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5, 7-15 and 17-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cosimano et al. [US 5,214,572].

Regarding claims 1-2, 5 and 13-14 Cosimano et al. disclose an electronics assembly (figure 2) comprising:

- a frame (10);
- a motherboard (33) being removable from the frame;
- at least one daughter board (23) being generally perpendicular extending from a plane of the motherboard (figure 2);
- a plurality of elongate guides (52) for the daughter-boards to enable each daughter-board to be moved toward the motherboard into engagement therewith and away from the motherboard out of engagement therefrom.
- the motherboard having a plurality of location elements/holes (43) thereon in order to locate the motherboard in the frame by means engaging at least one retention plug (41) inserted in a base floor of the frame.

Cosimano et al. disclose the instant claimed invention except for the specific location element on the motherboard which "can engage" one of the elongate guides of the chassis.

The specific location element on the motherboard which "can engage" one of the elongate guides of the chassis would have an obvious design consideration based on the type of the motherboard/card used.

Art Unit: 2841

Regarding claims 3, 10, 15 and 18, Cosimano et al. disclose the motherboard held by and being able to be removed from, or inserted in, the frame by movement in its own plane (figure 2).

Regarding claims 7 and 17, Cosimono et al. disclose the claimed invention except for the pin being mounted on the mother and receiving portions being from the elongate guides.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the arrangement between the pins and receiving portion, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

Regarding claims 8-9, Cosimono et al. disclose the motherboard being held from movement relative to the chassis by the location elements/holes.

Regarding claims 11 and 19, Cosimono et al. disclose the motherboard being located within the frame beneath the daughter board (figure 3).

Regarding claim 12, Cosimono et al. disclose the frame/motherboard assembly being mounted in a cabinet (figure 2).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cosimano et al. as applied to claim 3 above, and further in view of Hastings et al. [US 5,460,441].

Regarding claim 4, Cosimano et al. disclose the instant claimed invention except for the motherboard being located in a tray shaped holder that can be slid into and out of the frame.

Hastings et al. disclose a chassis (32a) including a motherboard (84) mounted on a tray shaped holder (38) that can be slid into and out of the frame (figure 4).

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use the tray shaped holder design of Hastings et al. in Cosimano et al., for the purpose of facilitating removal of the motherboard from the chassis.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

8. Claims 20-24 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 19-23 of prior U.S. Patent No. US 6,621,709. This is a double patenting rejection.

Allowable Subject Matter

9. Claims 6 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The cited references fail to teach or suggest, in the claimed combination, an electronic assembly having at least one of guides extends closer toward the location for receiving a motherboard than the opposite guides.

Conclusion

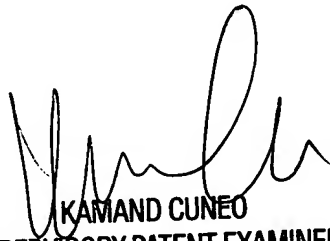
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung S. Bui whose telephone number is (571) 272-2102. The examiner can normally be reached on Monday-Friday 8:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2841

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/3/04
HB



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